

Remarks

This amendment is responsive to the official action mailed June 16, 2006, and is submitted with a Request for Continued Examination and a Petition for Extension under 37 C.F.R. §1.136(a).

Claims 1-10 as understood were rejected as anticipated under 35 U.S.C. §102(b) by GB 166908 – Davies.

Davies discloses a free standing bathtub 1 with a shower curtain or screen 9 structurally supported on two mirror-image water supply pipes 5, each having its own nozzle 7 and each having its own throttle valve 8 along a flow line leading vertically to an overhead showerhead nozzle 6.

Applicant's invention concerns a permanently installed shower arrangement on one or more walls of a shower room. A fitting housing 2 couples water supply lines in applicant's arrangement at one of two pipe legs 1, 3 connected at their upper ends by a cross member 4 to form an arced hollow connection by which water from said fitting housing 2 at the leg 1 associated with the fitting housing 2, is fed from one side, through the arrangement to one or more nozzles 5, 11 that dispense the water onto the user.

This amendment is submitted to better define the distinctions between applicant's permanently-mounted arrangement for a shower room, with one fitting housing feeding the arrangement, over Davies' two water supply lines, nozzles and control valves, coupled to a showerhead nozzle that the water supply lines support, together with a screen or curtain, over the Davies free standing bathtub.

Davies does not disclose applicant's invention claimed as a whole. Davies does not apply the subject matter to a room wall. A wall of a shower room is a structural part of the building, extending between a floor and a ceiling. A shower curtain or screen supported by water pipes on a free standing bathtub cannot properly be construed as a wall of a shower room.

Assuming nevertheless that the examiner is correct in the official action to regard a shower screen as a wall, Davies does not disclose a water supply arrangement provided through a fitting housing at one of the two legs for feeding one or more nozzles located around an arced assembly pipes with a cross member.

In the statement of the rejection under §102, the official action refers to a “wall” (9) in Davies and a “fitting housing” (8) inherently connected to a supply of water. However, element 9 in Davies is not the wall of a shower room, and element 8 is one of two stop valves associated with independent water lines 5 and spigots 7. Davies does not meet the invention claimed.

Davies does not reasonably disclose or suggest an arrangement on the wall of a shower room. Reference can be made to Davies at page 1, left column, lines 6-35 (substantially repeated at page 2, left column, lines 22-50).

The bath in Davies is an oval vessel two feet deep with a maximum dimension of two feet eight inches (col. 1, lines 11-14). The vessel is expressly disclosed to stand above the floor by two and a half inches, on feet. There is no basis to conclude that Davies discloses a shower arrangement between a fitting housing and nozzles on the wall of a shower room. A vessel is not a room. A shower screen extending above the rim of the vessel does not turn the vessel into a room. The claimed invention is not met by the objective disclosure of Davies. Nor does Davies’ bathtub render the invention as a whole obvious.

It is another aspect of the claimed invention that there is one fitting housing at one leg that controls the supply of water to the shower arrangement. Davies stop valves 8 do not meet the invention claimed.

Davies discloses plural supply pipes (col. 1, line 35), plural spigots or cocks (line 37), and plural valves or stop cocks (line 40). Davies does not disclose a fitting housing coupled to the supply of water at the wall, wherein that fitting housing controls the supply of water to the whole shower arrangement. In the response to applicant’s arguments, the examiner characterizes one of Davies valves 8 as a fitting housing and argues that because Davies uses the valve 8 to control one of the hot and cold supply

lines, that the invention is met. Reconsideration is requested in view of this amendment. Independent claim 11 now recites that the fitting housing is the fitting that couples the arrangement to the water supply. Therefore, Davies' disclosure of two separate couplings, valves and taps does not meet the invention claimed.

The distinction of one fitting housing as claimed by applicant versus two throttle valves 8 as disclosed by Davies is an important one. Davies plainly teaches an arrangement wherein there are two inlets, presumably for hot and cold water. The person of ordinary skill cannot ignore the fact that there are two supply sides to Davies. Assuming that the person of ordinary skill hooked up only one side of Davies's pipes to a supply, the valve and spigot on the other side would both be useless. Assuming that the supply side valve 8 was opened, then unless the valve 8 on the opposite side was kept fully closed, water would be directed onto the floor outside of the tub. This would be true whether the valve 7 on the opposite side was open or not. It is plain from Davies that both sides must be coupled to a supply, and the logical intendment is obviously to couple the opposite sides to respective hot and cold water sources. The claimed invention is not met.

The claims have been amended to limit their scope to installation of a arced shape arrangement to one fitting housing and to mount the arrangement on a building wall. These aspects distinguish over Davies free standing tub vessel that supports its shower curtain on spaced hot and cold mixing water pipes. The invention claimed as a whole is not met by Davies. Davies and the other references of record fail to meet or suggest the subject matter claimed as a whole. In view of this amendment, it is no longer possible to construe a curtain as a wall or to construe two independent water lines as being the fitting that couples the entire arrangement to the water supply.

The application as amended is in condition for allowance. Reconsideration and allowance are requested.

Respectfully submitted,

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